App. F. IX-4

Previous References

~~Mysg~~ 15-24-1 2

1930.

(Mysore)

File No. 134-30

Serial Nos. 1–2

Later References

Mysg-B-32-H-
" 180 33 1
Mysg 29/-33-1+2
Mysg 169 30 1 9

General and Revenue Secretariat.

Serial Nos. 2

Part B for September 1930

SUBJECT.

Amendments to the provisions of the Mysore Religious and charitable Institutions Regulation of 1927

Re 474 dated 8. 9. 30

To the Mysg. Govt

Legislation is not necessary by law as it is not necessary

GENERAL AND REVENUE SECRETARIAT.

(Mug) Mog 134-30

NOTES.

File No.

FILE HEADING.

Amendments to the Mysore Religious and Charitable Institutions Regulation of 1927

FROM

The Mug: Coorg

No. 1579 of 27-28 Dated 8-12-28 Received

Diary No. 865	Enclos.	Spare copies	Serial No

BRIEF ABSTRACT OF LETTER

Points out certain defects in the Regulation in respect of alienation of inam lands and requests that early action may be taken for the amendment of the Regulation

NOTES AND ORDERS.

(1) Points out that Section 30 of the Regulation which deals with the question of alienation of inam lands of Matts or similar institutions, should have a proviso re adverse possession in the same way as Section 10 ~~proviso~~ and proviso.

General and Revenue Secretariat. File No. of 192 .

Serial No.

2) That provision should be made in the Regn to evict the pradhan headmen/talukdars or the refractory Archaks and other servants from their possession and enjoyment of lands granted for the benefit of institutions or from their possession of temple sites.

3) That the power of eviction under Sections 10, 19 & 30 should be given to the Mag: officer -

4) That a provision under section 10 in respect of wrongful alienations of Private endowments similar to the one under section 19 should be made -

Subd. for orders as to whether this may be sent to the Protection Branch for needful action being taken

SD
19.12.28
ms
copies

To the Protection Branch, with compliments, for putting up the previous papers.

SD
20/12/28
ms
copies

Sir

The Archaka branch under the existing standing orders will accept this only after the necessity for the amendment is certified by the Administration Dept. as the latter has to be satisfied here in this first instance than Courts their powers as to the practice.

Also put up previous papers, orders & the Letts Concerned.

Or this previous file, with Statement of facts & reasons & discussion of any

NOTE—Contn. Sheet

20/12

WD 01714—GPB—30,000—18-4-28

Received

Copies

The file has been sent to Press for being printed on 6-1-29 and it has not yet been returned.

To the Murasu Branch

26/12/28

General and Revenue Secretariat | File No 4114 of 192 6

Serial No.

To The Post Br with compliments for putting up The papers Refd. to on the previous page

Abs
12/2/29.
Mr Hyde

Subd.

The file has been sent to the Press for being printed on 6-1-28. May this be called for.

Yr. M
Illegible
15.1.29
Illegible
15/1

Send me the draft.

Yr
24/1/29
Illegible
24/1

Illegible
Yr
25/1

Draft no P 3995 29/1/29
From
The Supdt Govt Printing
Letter no P 2391 dt 12.2.29
Returns the ~~note~~ file 150-24 Dt. Redeem Able Charitable Institutions Regn
Subd. Approved the file will be returned to the Magrate Branch

Yr
15/2/29
Illegible
16/2

A copy of the note is placed on the file for orders.
Submitted.
AGS 21.2.29

Illegible
2/2

The file returned by the Mag. Br. when no longer required

Illegible

Illegible

NOTE.—Corrections must be made on this sheet.

WD 021—GPB—30,000—21-8-28

Serial No.

The first proposal is to add another proviso to sub-section 3 of the Hindu Gifts Act of 1922 in terms of proviso 2 to sub-section 10 of the Land Registration.

It will be seen from paras 6 & 7 of the note of the Legal Remembrancer in the case of the Takhti Jadi Bhagat endorsed to Sir Arthur Knott, that questions of adverse possession do not arise in case of trusts as a lease or transfer can be in operation only during the life time of a particular Swami. and Mahants & trustees are not bound to respect the transactions of their predecessors if they are of opinion that it is not beneficial to the trust from their point of view. It is therefore unnecessary to introduce further complications by providing for limitations by adverse possession in trust properties.

This specific provision re lands attached to religious or charitable institutions does not seem to have been contemplated in the draft by the framers. In fact it seems that it was with the object of doing away with such a provision

Rs 4/22

NOTE—Contn. sheet

General and Revenue Secretariat.

File No. 41-1 of 192 8

Serial No.

in Sch 14 of the Orya Act 1913 which was amended by the Amending Act 1937, the amendment of the Explanation was taken up.

2. The proviso also seems to have been objected by the Select Committee. There was a discussion about this also. In view of the decision of the Chief Court in the Case of Forbes & Lucappa it was considered that the provisions of Sch 14 should prevail over the Chief Court's Act of 1937 and that consequently the proviso as to adverse possession contained in the Sch 14 of the Orya Act of 1913 may find a place in proviso 2 to the corresponding Sch 10 of the Orya Act of 1937

It seems therefore necessary to introduce an explanation in Sch 30, through the proviso had to be made in Sch 10 consequent on the enactment of a provision to that effect in Sch 14 of the Orya Act of 1913

NOTE—Contn. Sheet.

WD 01714—GPE—30,000—18-4-38

General and Revenue Secretariat.

File No. 4149 of 192 .6

Serial No.

II. Power of eviction to a Thy Officer of a recalcitrant Vakkaldar, Shetsak or other servants in possession & enjoyment of lands attached to villages or Chavadis &c notwithstanding

It is doubtful whether such a power is exercised under the Land Revenue Code which is not legal -

Under Section 79 of the Code the procedure which a Thy officer should observe when evicting a person under that Code or under any other law for the time being in force is given. It is not clear whether the procedure only when a power of eviction is given in the Thy Act or Land Revenue Code, 1879 & 1880 of the Act, power to remove is given, but no power to eject or evict is given as is the case in Section 55 (6) or 53 (3) of the Land Revenue Code. They may also use the power of eviction when any land is under their management specifically -

A similar power of eviction may be given to Thy officers in Sec 18, 1923 of the Thy Act.

NOTE—Contn. Sheet.

(V1) 01714—GPB—30,000—16-4 28

General and Revenue Secretariat

File No. [illegible] of 192[illegible]

Serial No.

III Provisions against wrongful alienation of private endowments made by Religious Institutions — Powers of Courts

It seems that this may be specifically provided for in section 9 of the Regulation along with the powers of Courts

3878/1927 Law Dept may kindly be consulted in regard to the above views

25/2

Please put up a copy of the Madras Act — a copy of the Regulation and any rules framed.

Also L.C. Council Proc

Re Mutt Regn — 28/2/29

Supplied with copies of the following publications :—

Flag Y (1) Madras Act I of 1925,

Flag C. (2) The Improved Religious & Charitable Institutions Regulation 1927 (VII)

Flag D. (3) Rules under the above.

Flags B & B. (4) Proc. of the L.C. Council Dec 1924

Flags S & X (5) Proc of the L.C Council meeting Dec 1926

Flag J. and (6) Proc of the L.C. Council meeting July 1927.

C.S.

18/3/29.

19/3

15/3

NOTE—Contn. Sheet.

WD 01714—GPB —30,000—18-4 28

General and Revenue Secretariat | File No. 1148 of 1927

Serial No.

This file relates to the proposal to amend the Muzrai Regulation of 1927. The Muzrai Commissioner's suggestions were received in December 1926 The question required detailed examination and I detained it. I am sorry there has been considerable delay in the submission of this file for orders.

Four points are raised by the Muzrai Commissioner:-

(1) Amendment of Section 30 on the lines of th second proviso to Section 10.

(2) Provision to be made to evict recalcitrant Vaivatdars or refractory Archaks and other servants from their possession and enjoyment of lands given for the benefit of Institutions or from their possession of temples etc.

(3) Grant of power of eviction to the Muzrai Officer under Sections 10, 19 and 30 in case his order directing the restoration of the lands is not obeyed by the party.

(4) Provision to be made against the wrong alienation of private endowments in favour of Muzrai Institutions.

The first proposal of the Muzrai Commissioner appears to be rather of a contentious character. In view of the finding of the Chief Court in the case of Government Vs Surappa, the second provision to Section 10 was enacted to give partial effect to the provision contained in Section 14 of the old Muzrai Regulation of 1913. This was necessary as otherwise the person to whom the land was wrongfully alienated and who retained possession of it would get the additional benefit of enjoying the land free of

WD 01684—GPB—30.000—20.4.29

Serial No.

assessment for which there would be no justification. I am not sure if any case of adverse possession of Mutt lands under proviso to Section 14 of the old Muzrai Regulation of 1913 has arisen. There has been some considerable discussion in regard to the insertion of the second proviso to article 10.

As observed by the Legal Remembrancer ~~Mr. Nagappa~~ in his opinion dated 14th February 1929 (Flag ~~F~~) the question of limitation or adverse possession in the case of alienation of inam lands belonging to ~~the~~ Mutt does not arise now as Section 30 of regulation VII of 1927 practically reproduces the Inam Rules and also the rules and procedure of the Inam Rules of 1897. It is not clear to me why the operation of this section should be restricted so as to provide for cases of adverse possession for over 12 years.

The enactment of the second proviso to Section 10 was found necessary to respect the decision of the Highest Court in the land and to confirm the rights of parties who acted under the provisions contained in the Muzrai Regulation of 1913. And in the circumstances of the case, I agree with the Assistant Secretary in the view that it is not desirable to amend Section 30 as proposed by the Muzrai Commissioner.

As regards the second point raised by the Muzrai Commissioner it seems that the present regulation is defective, in that Chapter V which deals with Pujarees and other hereditary servants of the Muzrai Institutions does not expressly provide for the cases referred to by him.

Under Section 41 of the Regulation, Government

WD 01684—GPL—30,000—20-4-29

Serial No.

may frame rules for regulating the appointments of Muzrai servants to the various institutions and under this provision rules may be made for dismissing a recalcitrant Vaivatdar or a refractory Archak.

So far as the resumption of Inam lands is concerned, acts purporting to create any interest in respect of them adverse to the Institution to which they belong come within the purview of the Regulation and matters could be set right by invoking Sections 9 and 10.

In respect of lands other than Inam, there is no provision made for summary resumption under the Muzra Regulation.

The question is whether action can be taken unde the provisions of the Land Revenue Code.

The case will be more or less similar to the dispossession of tenants at will of Sircar lands belonging to temples.

While Section 9, Clause 2, provides that no lease of a property belonging to a Muzrai Institution for a term exceeding 5 years shall be valid unless previously approved by Government or by such officer as will be empowered, there is no provision made in the Regulation for summary eviction of a tenant continuing in possession without permission. In this connection I have to bring to notice that there are two pending cases before Government in which an identical issue is involved. In one the dispossession of certain lessees of assessed lands belonging to the Sri Ranganathaswami lands at Sorab is under consideration. Following the views expressed in the Government Order of 26th November 1925, the Muzrai Commissioner has suggested the filing of a suit in a civil

(Letter no. 20629/13-9-29)
P
(Sir Jarom file)
9

WD 01684—GPB—30,000—20-4-29

Serial No.

court in his letter of the 12th September 1929. The views of the Law Secretary have to be obtained in the matter.

The other case relates to the lease of the Kandayam lands of 2 Siddapur temples, Sri Someswaraswamy and Anjaneyaswamy. In this case, Mr.Nagappa has opined that "if the tenants refuse to give up possession, the temple will have to recover possession after giving notice under Section 80 of the Land Revenue Code." Whether it is desirable to provide for summary resumption of assessed lands belonging to temples under the Muzrai Regulation is the chief point for consideration. This is a restrictive measure and strong justification would be required fo adopting it.

The third proposal of the Muzrai Commissioner is not very clear to me. When the law provides for summary resumption of property and its restoration to the Institution concerned by the Muzrai officer it necessarily implies in my opinion that the officer is empowered to evict the person wrongfully in possession.. The opinion of the Legal Remembrancer may be obtained on the suggestion of the Muzrai Commissioner.

As regards the last amendment viz., provision to be made against wrongful alienation of private endowments, it seems to me that Section 19 only authorises the Muzrai Officer to direct that possession should b restored to the Institution or that Government resume possession thereof. If a forcible eviction of the party wrongfully in possession is necessary the case will, I think, have to go before the Civil Courts.

46 Wrongful alienations of private endowments of

WD 01684—GPS—30,000—20-4-29

Serial No.

Muzrai Institutions are practically covered by Clause 2 of Section 9 of the Regulation and the only question is whether resumption of lands wrongfully alienated should be by a summary process or by instituting a suit under Section 11 of the Regulation.

The remarks made above in respect of proposal No.2 apply to this case as well.

There is one other point about which an amendment of the Muzrai Regulation may be usefully discussed.

(a) Recently in connection with the application made on behalf of the Bali Mutt for the grant of Government's permission to a long lease of certain assessed lands belonging to the Mutt in favour of the Binny Mills, it was found that there was no provision in the Muzrai Regulation under which Government could accord sanction, notwithstanding the fact that the terms of the lease were reported to be highly advantageous to the Mutt.

In the Madras Hindu Religious Endowment Act, the following provision exists (Vide Section 72 of the Act

"No exchange, sale or mortgage and no lease for a term exceeding 5 years of any immovable property belonging to any Mutt or temple shall be valid or operative unless it is necessary or beneficial to the Mutt or temple and is sanctioned by the Board in case of Mutts and excepted temples and by the Committee in the case of other temples."

So far as the properties of Muzrai Institutions are concerned there is provision made in Section 9 Clause 2 for leases exceeding 5 years being approved by or under the authority of Government.

(b) The insertion of a corresponding provision for

WD 01684—GPB—30,000—20-4-29

Serial No.

1973
24/9

the leases of the Mutt property may be considered.

First Member.)

21.9.29

This Case requires much study I am afraid I can not find time for it until the beginning of Nov^r. next. It may be sent to me in the first Week of that month

Mudk
21/9/29

Subm^r. for orders

9-11-29

(1st Member)

5/11

Sub (B) file 18 Nov^r 1929

28/9

2787
9/11

I delayed the disposal of this case under the impression that it involved the consideration of a general revision of the Law for making it a more comprehensive measure. I, however, find tha the proposals put forward by the Muzrai Commissioner are only a few and their disposal does not present much difficulty.

Amendment of Section 30.- The second Proviso to Section 10 was inserted in the Regulation of 1927 because of the Proviso to Section 14 in the Regulation of 1913 and of the interpretation placed upon the latter Proviso by the High

Court in the case of Government vs. Surappa. There was no provision in the Regulation of 1913 applicable to Mutts corresponding to the Proviso to Section 14 thereof applicable to other institutions. It will be seen from Section 24 of the Regulation of 1913 that the provisions in the previous two chapters were distinctly declared to be inapplicable to Mutts and similar institutions. The proviso to Section 14 which involved a departure from the Inam Rules of 1877 did not concern Mutts and in the case of the latter institutions, the Inam Rules of 1877 continued to be in force even after the enactment of the Regulation of 1913. In such circumstances, there could be no case of adverse possession against Mutts in respect of their Inam properties and there is, accordingly no need to introduce in Section 30 a proviso similar to that in Section 10.

Eviction of recalcitrant Vahi-vatdars, Archaks and others.- Cases of this kind will be those in which the interests of the institutions have been neglected and their Inam properties misused. Government have full power to deal with instances of this kind under the Inam Rules of 1877. As a matter fact, the case of Inam lands of Ranganathaswmi Temple at Sivasamudrum and of Bakshi Narasappa's choultry at Mysore have been d with under these rules. When there is f

power

W D 01684—GPB—30,000—20 4-29

Serial No.

power for the resumption of Inam endowments and for the direct management by Government of institutions themselves, the question of the eviction of refractory Vahi-vatdars or Archaks from the possession of the institutions concerned, will not present any difficulty.

Wrongful alienations of private endowments of Muzrai institutions.- These will be cases of abuse of the Trusts concerned, and could be dealt with as such. It has besides been held that Muzrai institutions are also Public Religious and Charitable Institutions and cases of wrongful alienation of their private endowments can be dealt with under Section 19.

Legislation on the lines proposed by the Muzrai Commissioner in the above cases is not necessary and he may be informed accordingly.

It is stated in the Financial Secretary's note that a case relating to the lands of Sri Ranganathaswami at Sorab is pending. If it is still undecided, its disposal may be expedited.

In the other case of the private lands of the Siddapur Temples, the point for consideration was the claim to permanent tenancy set up by the lessees of the lands and it has, I think, been settled.

Br. Please note the present stage of this file VS 18.8.30

WD 01684—GPB—30,000—20-1-23

General and Revenue Secretariat | Mug File No | of 192

Serial No.

Subd with a draft for an Ordinance as per Member's orders in paras 56-58 of the notes.

GS 20/8

The file referred to in para 60 of the notes is still pending in spite of frequent reminders to Mug. Commr calling for vernacular records and the case of private lands of Hindu temples has been disposed of.

Mug. 105-29. (Linked hereto).

2350/21/8

Subd GS 20/8 MSK

H. Lacy 21.8.30

h 4/9

1 June 1930

5-9-30

(Mug. 105-29) Linked file may now be separated and worked upon. MSK 5/9/30

Separated GS 3/9

To The Mug Commr.

No: 474 dated 8.9.30.

Stating with observations what legislation on the lines suggested by them

MSK 12/9/30

W D 0164—GPB—30,000—22-4-29

Muzrai
OFFICE OF THE ~~REVENUE~~ COMMISSIONER
IN MYSORE.

No. 1579 Ex-1
27-28

Bangalore, ...8th December..... ...1928.

Muz 134-30-1

FROM

P. G. D'SOUZA, ESQ., B.A., B.L.,
Muzrai ~~Revenue~~ *Commissioner in Mysore*

8.65-
Muz ~~1579-28-1~~

To

B. Srinivasa Iyengar, Esq., B.A., B.L.,
Secretary to the Government of His
Highness the Maharaja of Mysore,
Financial Department.

FINANCIAL SECRETARY
8 DEC. 1928
No. 7-26

SIR,

I have the honor to submit herewith a note showing certain -- defects in the provisions of the Mysore Religious and Charitable --- Institutions Regulation of 1927 and to state that on account of these defects, much practical difficulty is felt now in the administration of Muzrai matters under the new Regulation as it stands. The Deputy Commissioners of Districts also have brought to notice some of these defects and urged the need for rectifying them early.

I request therefore that you will be so good as to take early needful action to have the Regulation suitably amended in respect of the points referred to in the note.

I have the honor to be,
Sir,
Your most obedient servant,

P. G. D'Souza

Muzrai Commissioner.

Note.

1. Sections 9 and 10 of the Mysore Religious and --- Charitable Institutions Regulation, 1927 deal with the alienation of Inam lands granted by the Government to -- Muzrai Institutions.

The 2nd proviso to Section 10 directs that where a person has had adverse possession of a property for a period of 12 years before the passing of this Regulation, the Muzrai Officer shall cancel the inam tenure and ---- impose the full assessment due to the Government under - the provisions of the Land Revenue Code or cancel the tenure and direct the assessment recovered to be handed over for the benefit of the institution concerned. But as regards Section 30 which deals with the alienation of inam lands granted for the upkeep of Mathas or other similar Insitutions there is no such proviso. In both the cases the lands are Devadaya grants given for the support of the deity whether in the Temple or in the Matha. When such a provision has been made even in the case of inam lands granted for the support of Muzrai -- Institutions there is no reason why a similar provision should not be made in the case of inam lands granted to Mathas and other similar institutions. Action has to be taken to amend Section 30.

3. The Regulation makes no provision to evict the -- recalcitrant Vahivatdars or the refractory Archaks and other servants from their possession and enjoyment of - lands given for the benefit of Institutions or from ---- their possession of temples etc., Before the introduction of the Muzrai Regulation of 1913 (and even after that) action was being taken by the Local Revenue Officers under the -- provisions of the Land Revenue Code and such action does not seem to be quite legal. This is a defect and the Regulation has to be suitably amended. Even in Sections 10, 19, and 30 the power of eviction has to be given to the Muzrai ----- Officer in case his order directing the restoration of --

the

the lands is not obeyed by the party.

3. Section 10 deals only with the cancellation of the alienation of Inam lands granted by the Government to a Muzrai Institution. No provision has been made against the wrongful alienation of Private Endowments made in favour of Muzrai Institutions. Section 19 provides ---- against the wrongful alienation of property belonging to Religious and Charitable Institutions other than Muzrai Institutions. Similar provision in the case of Muzrai Institutions against the wrongful alienation of Private Endowments made in their favour is necessary.

Muzrai Commissioner.

the lands is not obeyed by the party.

3. Section 10 deals only with the cancellation of the alienation of Inam lands granted by the Government to a Muzrai Institution. No provision has been made against the wrongful alienation of Private Endowments made in favour of Muzrai Institutions. Section 19 provides ---- against the wrongful alienation of property belonging to Religious and Charitable Institutions other than Muzrai Institutions. Similar provision in the case of Muzrai Institutions against the wrongful alienation of Private Endowments made in their favour is necessary.

Muzrai Commissioner.

Appendix F G—1

SUBJECT..... .....

....

....

Diary No. of letter replied to.....

Section

File No.

Serial No.

No. P 3995

General and Revenue Secretariat

( )

the *192*

To

The Supt Govt Printing

Simla

Date of issue 29/1/29

Signed by .....

I am directed to request you to kindly ~~forward for~~ return Legis file 15 of 1924 relating to the Negroes Religious and Charitable Institutions Regn of 1927, sent to you ~~for~~ having been printed with this office letter no P 4176/Legis 28-1-28

List of enclosures.....

Copied by.....

Examined by.....

Yours faithfully

W Dawsey

Under Secy to the Govt of India

26/1/29

over

WD 0399—GPB—20,000—18-9-28

No P 2341
& one file

OFFICE OF THE SUPERINTENDENT,
GOVERNMENT PRINTING,

Bangalore, dated ... ... 11th Feb. ...192

FROM

B. PUTTAIYA, ESQ., B.A.,
Superintendent, Government Printing,
Bangalore.

To

P. Hale Lokayya, Esq., B.A., B.L.,
Secretary to Government, Legislative Department,
BANGALORE.

SIR,

I have the honour to return herewith the file Fil[e]
No: 15 of 1924, relating to the Private Medical and Sanitary
Institutions Regulation of 1927, as desired in your letter
No: P. 3995/Legis. dated the 9th instant.

The receipt of the file may kindly be caused to be
acknowledged.

I have the honour to be,
Sir,
Your most obedient servant,

B. Puttaiya
Superintendent.
163

D.v.s.

Appendix F G—1

SUBJECT.....

.....

.....

Mog 134-30.-2

Section Mug.

File No. (1479-28.)

Serial No. 2

Diary No. of letter replied to.... D. 865

No. 474

General and Revenue Secretariat

( )

the *192*

To

The Mugrai Commr

in Mysore.

Date of issue 8-2-3

Sir,

Signed by Mr V.P. Baig

With reference to your letter

No. 1579/27-28 dated 8th Dec. 28

~~submitting a note showing~~ regarding certain

~~defects in the~~ provisions of

the Mysore Religious and Charitable ~~Regn.~~ Institutions Regulation

of 1927 ~~for needful action being taken to have the Regulation suitably amended~~ I am directed

~~to observe~~ as follows :—

P.T.C.

over

List of enclosures.....

Copied by.....

Examined by.....

WD 063—GPB—20,000—1-8-29

(Here enter paras 56-58.
of the notes.)

I am therefore to ~~state~~ observe that in the opinion legislation on the lines proposed by you is not necessary.

I have etc.

4/9

Financial Secy to Govt

21.8.30.

8th September 30

Rajasevaparayana

S.P. Rajagopalachari, Esq., B.A., B.L.,
Muzrai Commissioner in Mysore, Bangalore.

With reference to your note forwarded with letter No. 1579 of 1927-28 dated 8th December 1928 regarding certain amendments to the provisions of the Mysore Religious and Charitable Institutions Regulation of 1927, I am directed to observe as follows:-

Amendment of Section 30. The second Proviso to Section 10 was inserted in the Regulation of 1927 because of the Proviso to Section 14 in the Regulation of 1913 and of the interpretation placed upon the latter Proviso by the High Court in the case of Government Vs. Surappa There was no provision in the Regulation of 1913 applicable to Mutts corresponding to the Proviso to Section 14 thereof applicable to other institutions. It will be seen from Section 24 of the Regulation of 1913 that the provisions in the previous two chapters were distinctly declared to be inapplicable to Mutts and similar institutions. The Proviso to Section 14 which involved a departure from the Inam Rules of 1877 did not concern Mutts and in the case of the latter institutions, the Inam Rules of 1877 continued to be in force even after the enactment of the Regulation of 1913. In such circumstances, there could be no cases of adverse possession against Mutts in respect of their Inam properties and there is accordingly no need to introduce in Section 30 a Proviso similar to that in Section 10.

Eviction of recalcitrant Vahi-vatdars, Archaks and others.- Cases of this kind will be those in which the interests of the institutions have been neglected and their Inam properties misused. Government have full power to deal with instances of this kind under the Inam leases rules of 1877. As a matter of fact, the case of inam lands

lands of anganathaswami Temple at Sivasamudram and of Bakshi Narasappa s Choultry at Mysore have been dealt with under these Rules. When there is full power for the resumption of Inam endowments and for the direct management by Government of the institutions themselves, the question of the eviction of refractory Vahivatdars or Archaks from the possession of the institutions concerned, will not present any difficulty.

Wrongful alienations of private endowments of Muzrai Institutions.- These will be cases of abuse of the Trusts concerned and could be dealt with as such. It has, besides, been held that Muzrai institutions are also Public Religious and Charitable Institutions and cases of wrongful alienation of their private endowments can be dealt with under Section 19.

I am therefore to observe that in the circumstances, legislation on the lines proposed by you is not necessary.

I have the honor to be,

Sir,

Your most obedient servant,

for Secretary to Government,
Financial Department.

G.S. 9/9 Fair draft.

C.R.C.